

**CEMETERY TASK FORCE  
MEETING MINUTES  
1400 EAST WASHINGTON AVENUE, MADISON  
JANUARY 8, 1999**

**PRESENT:** Kelly Coleman, William Downs, III, Leslie Eisenberg, Dorinda Floyd, Peter Gunderson, Thomas Hanlon, Ed Huck, Sarah Kamke, Daniel Kilkenny, Dewey Mathewson, E Glen Porter, III, Jon Ruatti, Laurel Schaftary, David Stucki (until 11 a.m.), Richard Stadelman

**ABSENT:** Marie Drescher, Leroy Mixon, Willa Jean Moore, Michael Schuman and Bill Smith

**R&L STAFF:** Secretary Marlene Cummings, Cletus Hansen, Jacquelynn Rothstein, Steven Gloe and several other staff members in the Division of Enforcement.

**CALL TO ORDER**

The meeting was called to order at 9:40 a.m. by Clete Hansen.

**APPROVAL OF AGENDA**

The agenda were informally approved.

**APPROVAL OF MINUTES (11/13/98)**

**MOTION:** Jon Ruatti moved, seconded by Glenn Porter to approve the minutes with a correction on page 2, paragraph 3, whereby "renewed" is changed to "reviewed." Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Clete Hansen referred to the revised membership roster and asked for any corrections or amendments.

**CONTINUATION OF IDENTIFICATION OF PROBLEMS WITH THE CURRENT  
REGULATION**

Dewey Mathewson, who was unable to attend the last meeting, addressed the Task Force on the following issues:

- The need to move these discussions along and to obtain results in the Legislature.
- The need to define “cemetery” and to change “lot” to “grave spaces.”
- Issues relating to municipal cemeteries.
- The fact that funeral directors may not serve on cemetery boards.
- Issues relating to religious cemeteries accepting money for the cost of digging graves.

Pete Gunderson identified a problem relating to cemeteries imposing an extra charge, in addition to the lot fee and care fund percentage.

## **DISCUSSION OF POTENTIAL STATUTORY CHANGES**

Clete Hansen called attention to his memo of December 9, 1998, addressed to Secretary Marlene Cummings and entitled “Amendments to Cemetery Laws.” The memo lists 15 items which the Cemetery Advisory Committee and the Cemetery Task Force have identified as needing attention.

Clete Hansen also referred to other pages in the meeting packet which discuss many of the issues in his memo.

### **a. Definition of Cemetery**

The Task Force discussed the process of dedicating land for cemetery use and tax exemptions which follow dedication. The Task Force also discussed columbarium niches in churches and other buildings, and whether a definition will include such columbariums.

**MOTION:** Jon Ruatti moved, seconded by Leslie Eisenberg, to define cemetery by using a definition, such as that prepared by the Cemetery Advisory Committee or the American Cemetery Regulators Association (ACRA), except that the definition should not use the phrase “an area dedicated,” as contained in the ACRA definition. Motion carried unanimously.

**MOTION:** Jon Ruatti moved, seconded by William Downey, to remove “lot” from the definitions section, to use “burial space.” Motion carried unanimously. (Dave Stucki was not present.)

### **b. Approval of Sale or Conveyance of a Cemetery**

The committee discussed whether the Department should continue to interpret s. 157.08 (2), Stats., as requiring the Department’s approval for the sale or encumbrance of a cemetery, as well as the sale of the controlling interest in a cemetery’s corporate stock.

**MOTION:** Ed Huck moved, seconded by Sarah Kamke, to interpret s. 157.08 (2), Stats., to require the Department to approve all kinds of sales, including the sale of the controlling stocks, and that the Department approve a transfer of assets without liabilities. Motion carried unanimously.

**MOTION:** Ed Huck moved, seconded by Jon Ruatti, that all cemeteries should be included in the requirement to receive departmental approval for the sale or encumbrance of a cemetery. Motion carried.

### **c. Rights of Lot Owners**

The Task Force discussed cemetery practices relating to contracts of sale and deeds. The Task Force also discussed the rights of heirs to a cemetery lot.

**MOTION:** Dave Stucki moved, seconded by Dan Kilkenny, that the Department should craft some language for a written contract requirement and submit it to the Task Force at the next meeting. The draft should include required provisions relating to cost, resale rights and other related items. Motion carried with a 15 to 4 vote.

**MOTION:** Ed Huck moved, seconded by Dan Kilkenny, that the Department also prepare a draft relating to deeds and submit it to the Task Force at the next meeting. Motion carried unanimously.

### **d. Maintenance and Care of Cemeteries**

Not addressed.

### **e. Care Funds, Bonds**

Dorinda Floyd explained the recommendations of the City of Milwaukee, relating to abandoned cemeteries, trusteeships, and a state care fund. She suggested that the language could be permissive as to a municipality having to take over a cemetery.

The Task Force discussed the impact of this proposal on small cemeteries, whether a flood of small cemeteries would be “dumped,” disincentives for proper management of cemeteries, the need for proper criteria for distributions from the funds, whether municipalities or the state would be responsible for the fund, and whether the assessments should be on death certificates or other certificates.

The Task Force also discussed the classification of cemeteries and created the following chart:

1. Religious
2. For-Profit
3. Not-For-Profit
4. Municipal
5. Association

The Task Force also discussed criteria which could be used to determine which cemeteries should register with the department. They are: size of the cemetery, number of lot sales or the number of burials.

Clete Hansen informed the Task Force that he will call for motions relating to the City of Milwaukee proposal at the next meeting. The motions should relate to whether the Task Force supports the substance of the Milwaukee proposal and what source of funding should be pursued.

#### **NEXT MEETING**

The next meeting will be February 19, 1999, from 9:30 a.m. until 12:30 p.m. Another date, March 26, was reserved for a subsequent meeting.

#### **ADJOURNMENT**

The meeting adjourned at 12:45 p.m.